



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, September 18, 2013, 6:30 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 18, 2013 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Matt Ramenda, and Town Clerk Vivian Mendez.

Attorney Matt Ramenda served as Town Attorney for Thomas Baird.

Town Clerk Mendez performed the roll call.

Mayor DuBois led the pledge of allegiance.

**SPECIAL PRESENTATIONS/REPORTS**

**1. Presentation by Palm Beach County Inspector General Sheryl G. Steckler**

Inspector General Sheryl G. Steckler showed a PowerPoint presentation (see attached Exhibit "A").

The Commission thanked Ms. Steckler for her presentation.

**PUBLIC COMMENT:**

*Karen Mahnk, Library Director*, provide an overview of upcoming activities at the Library. She invited the Commission and Town Manager to participate in the "Read for the Record" program through the Palm Beach County Literacy Coalition by reading to children at the Library on October 3, 2013 and advised that the book this year is "Otis" by Lauren Long.

**CONSENT AGENDA:**

- 2. Approving an Outside Activity of the Town Manager**
- 3. Scheduling the Special Call Final Public Hearing on the Fiscal Year 2013-2014 Budget for Wednesday, September 25, 2013**

**Motion: A motion was made by Commissioner O'Rourke to approve the Consent Agenda; Commissioner Rapoza made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		

Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**PUBLIC HEARINGS - ORDINANCES ON FIRST READING:**

- 4. Ordinance No. 14-2013 Approval of a Staff Initiated Text Amendment to Modify Chapter 22, Article III, of the Town Code of Ordinances Entitled "Mobile Vendors" Providing for Amendments Pertaining to Food and Merchandise Sales and Service by Mobile Vendors in the Town**

Town Manager Sugerman and Community Development Department Director Nadia DiTommaso explained the item (see attached Exhibit "B").

**Motion: A motion was made by Commissioner O'Rourke to adopt Ordinance 14-2013 on First Reading; Commissioner Rapoza made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Ramenda read the Ordinance into the record by title only.

**NEW BUSINESS:**

- 5. Resolution No. 31-09-13 Approving an Annual Marina Parking Permit Pilot Program**

Town Manager Sugerman explained the item (see attached Exhibit "C").

Commissioner Flaherty asked if this is just a Marina parking pass.

Town Manager Sugerman stated "yes".

Commissioner Flaherty asked about fees 44 and 45 on the fee schedule for Resident Only Decal and Resident and Non-Resident Decal (see attached Exhibit "D").

Town Manager Sugerman explained that those fees were added to the fee schedule in November of 2011. He stated that it might need to be revised.

Commissioner O'Rourke asked if the fee for the Annual Marina Parking Permit were to be amended would it have to go through this process.

Town Manager Sugerman explained that any modifications to any fee needs to be done by the Commission at a Public Meeting in the form of a Resolution.

Commissioner O'Rourke asked if there are any notice requirements.

Town Manager Sugerman explained that the item would be noticed in the usual manner with the publication of the agenda in advance of the meeting.

Mayor DuBois explained that before the new Marina was developed the Town had an annual pass and asked if the fee and language regarding its operation was reviewed.

Town Manager Sugerman stated "no".

Mayor DuBois thinks that the annual fee was eliminated because of language in a grant the Town received.

**Motion: A motion was made by Commissioner Flaherty to approve Resolution 31-09-13; Commissioner O'Rourke made the second.**

Mayor DuBois asked if the \$100 is appropriate.

Commissioner Flaherty thinks \$100 is a good start.

Vice-Mayor Glas-Castro stated that the Town allows overnight parking at the Marina for \$25.00 and questioned whether people would just buy the \$100 parking pass instead.

Mayor DuBois thinks that the parking pass and the overnight pass are different things.

Town Manager Sugerman explained that this item does not differentiate between the annual parking pass and the overnight parking pass. He stated that the annual parking permit provides that one could park in any metered parking space for a payment of a \$100 annual permit.

Mayor DuBois suggested that the annual parking permit per twelve (12) hour period or other limitation.

Town Manager Sugerman explained that the Marina Task Force recommended a schedule for different types of parking activities. His understanding was that the Commission was not ready to move forward with the Marina Task Force recommendations and directed that a \$100 Annual Marina Parking Permit be implemented and that is what is presented for Commission consideration.

Mayor DuBois did not think that the intent was for the annual parking permit to be used in place of the overnight parking permit. He asked if a boater launches their boat at 8:00 am and returns at 8:00 am the next day what fees have they incurred.

Town Manager Sugerman explained that the boater should be charged a \$10 launch fee and a \$25 overnight parking fee for a total of \$35.

Mayor DuBois asked if the same boater returns at 7:59 am do they still pay the overnight parking fee.

Town Manager Sugerman explained that the overnight parking fee is incurred when the sun sets.

Mayor DuBois suggested that the Annual Marina Parking Permit be limited to a daily launch and that was his intention when he brought this item forward.

Vice-Mayor Glas-Castro stated that the County charges \$35 for an annual permit.

Mayor DuBois stated that includes parking for as long as desired.

Town Manager Sugerman explained that the County locks the gates at night and does not open until the next morning and typically allow overnight parking.

Mayor DuBois requested that the motion be modified to include a 25 hour limit on the launch.

Commissioner O'Rourke stated that the intention of this parking pass was to increase the traffic at the Marina and thinks that should be the major role. He thinks by creating different types of passes that the Town cannot sell the idea that the Town has something to offer to bring the boaters to the Marina to launch their boat. He thinks that the parking permit should be presented as a bargain with no limitations on use. He asked how much traffic would the Marina get from people who would buy the Annual Marina Parking Permit for overnight parking.

Town Manager Sugerman stated that this concept for an Annual Marina Parking Permit was born out of a brief discussion at a Commission Budget Workshop and it flies in the face of the work the Marina Task Force did. He explained that the Marina Task Force addressed all of these issues and came up with a series of recommendations including a reconfiguration of the parking lot; providing for free launching, but paying for parking; and different types of parking that is paid for including overnight parking. He had hoped that when the Commission accepted the Marina Task Force report that it would follow. He does not believe that the proposed Annual Marina Parking Permit for \$100 will generate any business. He thinks it will cause the Town to lose money because right now the only place that one would pay for parking is in the circle of the Marina and the only people using that parking are those that use the dive boats. He stated that what will happen is the dive boat owners will buy the \$100 permits and are going to use those parking space under the permit a lot more than their customers who pay for parking in those spaces.

Mayor DuBois stated that this is a complete misunderstanding of the intent and that the only intent that he had on this item was for trailed boats and not for the upland parking or the parking meters.



Town Manager Sugerman stated that the trailer parking space are not currently metered and that boaters that bring their boat by trailer to the Marina are only paying to launch. He explained that the recommendations of the Marina Task Force have not been implemented.

Mayor DuBois stated that his intention was that in the interim that the Annual Parking Permit be used to determine if there is some interest only for "ramping" which is the \$10 launch fee. He stated that if this item will affect all of the parking at the Marina that he will not vote for it.

Vice-Mayor Glas-Castro stated that it was her understanding that this was also for the boat trailers only.

Mayor DuBois recommended that the item be changed to specify that the Parking Permit is for the use of the ramp and that it is for a twenty-four (24) hour period.

Commissioner O'Rourke spoke in opposition of the change because this is changing what the Commission is doing and thinks there needs to be proper notice and withdrew his second to the motion.

**NOTE:** At the October 2, 2013 Commission Meeting the Minutes were amended to include the following statement by Mayor DuBois:

"Mayor DuBois read, 'Mayor DuBois recommended that the item be changed to specify that the Parking Permit is for the use of the ramp and that it is for a twenty-four (24) hour period. Commissioner O'Rourke spoke in opposition of the change because this is changing what the Commission is doing and thinks there needs to be proper notice and withdrew his second to the motion' from page 5 of the Regular Commission Meeting Minutes of September 18, 2013. He wanted to clarify that it was not his intent to request a large change in the advertised item on the agenda it was only intended that the item be modified and brought back to the Commission on another agenda. He stated that he would generally not "pull the rug" out from under an agenda item and ask for it to be completely changed'."

**Commissioner O'Rourke withdrew his second to the motion and Commissioner Flaherty withdrew the motion.**

Mayor DuBois asked if the Commission wants to pursue the recommendations of the Marina Task Force which included parking related issues. He suggested that the recommendations from the Marina Task Force be revisited by the Commission.

The Commission reach consensus for the Marina Task Force recommendations to be placed on an upcoming Commission agenda.

Town Manager Sugerman explained that the reconfiguration of the parking lot as recommended by the Marina Task Force requires modification of the Interlocal Agreement with Palm Beach County. He stated that staff has been waiting for Palm

Beach County to advise if they are receptive to modifying the Interlocal Agreement. He advised that he has a verbal agreement with Palm Beach County that they are fine with the modifications to the Interlocal Agreement and a formal letter was sent from him to Palm Beach County regarding the Interlocal Agreement.

Mayor DuBois asked how long it would take to implement the Marina Task Force recommendations.

Town Manager Sugerman stated that once Palm Beach County approves the modification to the Interlocal Agreement that the Marina Task Force recommendations regarding the parking could be implemented within ninety (90) days. He requested that the item be withdrawn from the agenda.

The Commission reached consensus to withdraw the item from the agenda.

**6. Award of Contract for Lake Park Tennis Center Tennis Court Resurfacing, RFP No. 104-13 to Fast-Dry Courts, Inc**

Town Manager Sugerman explained the item (see attached Exhibit "E").

Vice-Mayor Glas-Castro asked if the \$9,176 would be encumbered this Budget Year.

Town Manager Sugerman stated "yes".

Commissioner Rapoza asked where the \$9,176 would come from.

Town Manager Sugerman stated that the funds would come from the Capital Improvement line item in the Recreation Department budget.

Commissioner O'Rourke asked if alternate #1 the resurfacing of the walkway included any provisions to elevate the drainage issue.

Town Manager Sugerman explained that this project does address attempting to control the drainage.

Mayor DuBois asked what color the courts will be.

Richard Pittman, Project Manager, stated that the interior of the court will be a United State Tennis Association (USTA) approved blue and the exterior will be a USTA approved green.

Mayor DuBois asked if the tennis nets meet the USTA standards.

Project Manager Pittman stated that he believes that the nets conform to the USTA standards.

**Motion: A motion was made by Commissioner O'Rourke to approve contracting with Fast-Dry Courts, Inc. in the amount of \$42,245.00 to perform the requirements**

**of Bid No. 104-2013 and establish a contingency of \$4,225.00.; Commissioner Rapoza made the second.**

Commissioner O'Rourke stated that this project will resurface the courts that will put them in a playable condition that is match level compatible. He thanked the staff for their work on the project. He stated that this is an important project for the Town to put together programs for the youth in the community. This is an asset that the Town is improving and is an asset that is going to let the Town bring children to a place where they can get involved in programs.

Commissioner Rapoza asked what is the start date for the project.

Town Manager Sugerman stated that the grant requirements specify that construction must be complete by December 31, 2013 and the grant must be closed out by January 30, 2014.

Mayor DuBois asked if there are other amenities that the Town should consider improving to match the quality of the court surfaces.

Commissioner O'Rourke stated that one of the complaints is about the restrooms and thinks it can be addressed in the future.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

#### **TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**Attorney Ramenda** no comments.

**Town Manager Sugerman** stated that the Public Workshop scheduled for September 28, 2013 has been cancelled/postponed to a future date to be announced. He stated that the Audit Committee held a meeting on September 13, 2013 and have recommended two (2) firms to the Town Manager and Commission. He asked the Commission for direction on if they want to hear presentations, how many presentations that the Commission wants to receive and on what date.

The Commission reached consensus to direct the Town Manager to negotiation with the two (2) recommended firms and for the two (2) recommended firms to make presentations. The Town Manager is to report on the negotiations at the November 6, 2013 Commission Meeting.

**Commissioner Flaherty** requested that a Proclamation be presented to Lisa Colgan for her years of service of the Library Board.

The Commission reached consensus to present Ms. Colgan with a Proclamation.

**Commissioner Rapoza** Congratulated Vice-Mayor Glas-Castro for her appoint to a Florida League of Cities Urban Administration Committee. She stated that she was glad to see new visitors reported on the website report. She congratulated the September Home of the Month winner. She stated that Community Garden was included in a Focus article in the Palm Beach Post on August 22, 2013.

**Commissioner O'Rourke** asked if the nominations for appointment for Town Boards will be on the October 2, 2013 Commission meeting agenda.

Town Manager Sugerman stated "yes".

Commissioner O'Rourke stated that he will be attended the Florida League of Cities Policy Committee meetings in Jacksonville, Florida. He stated that he is on the Growth Management and Economic Development Committee.

**Vice-Mayor Glas-Castro** advised that she will be attending the Florida League of Cities Policy Committee meetings in Jacksonville, Florida and that she is on the Urban Administrative Committee.

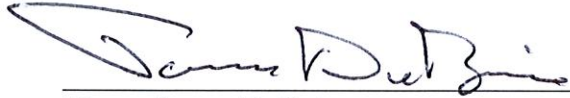
**Mayor DuBois** stated that he was approached by someone interested in selling Christmas trees in Kelsey Park and wanted to know how to proceed and advised the person to contact Town Manager Sugerman.

Town Manager Sugerman stated that the Town will have to look at the Code to determine whether such activity is allowed in the park, which is a public space. The Town Commission would have to determine that an individual vendor using a public space for a for-profit venture serves a public purpose.

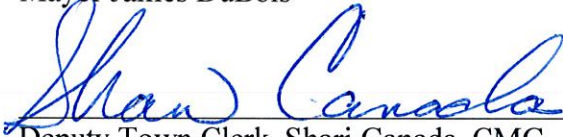
Mayor DuBois stated that there was an article in the Palm Beach Post regarding rabies in kittens found in Lake Park. He explained that he contact Sonia Isgar at the Palm Beach Post regarding the article. He stated that after some investigation it was concluded that the kitten was not found in Lake Park. He explained that he asked Town Manager Sugerman to look into the issue and the report from Animal Care and Control was that there have been no finds of rabies in Lake Park for at least five (5) years. He stated that the Town cares about animals and the care of animals, the Town is patrolled by Animal Care and Control.

## ADJOURNMENT

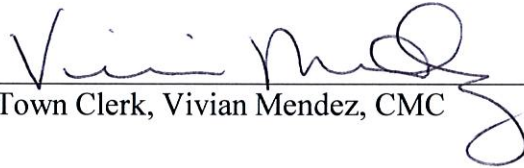
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 8:40 p.m.



Mayor James DuBois



Deputy Town Clerk, Shari Canada, CMC



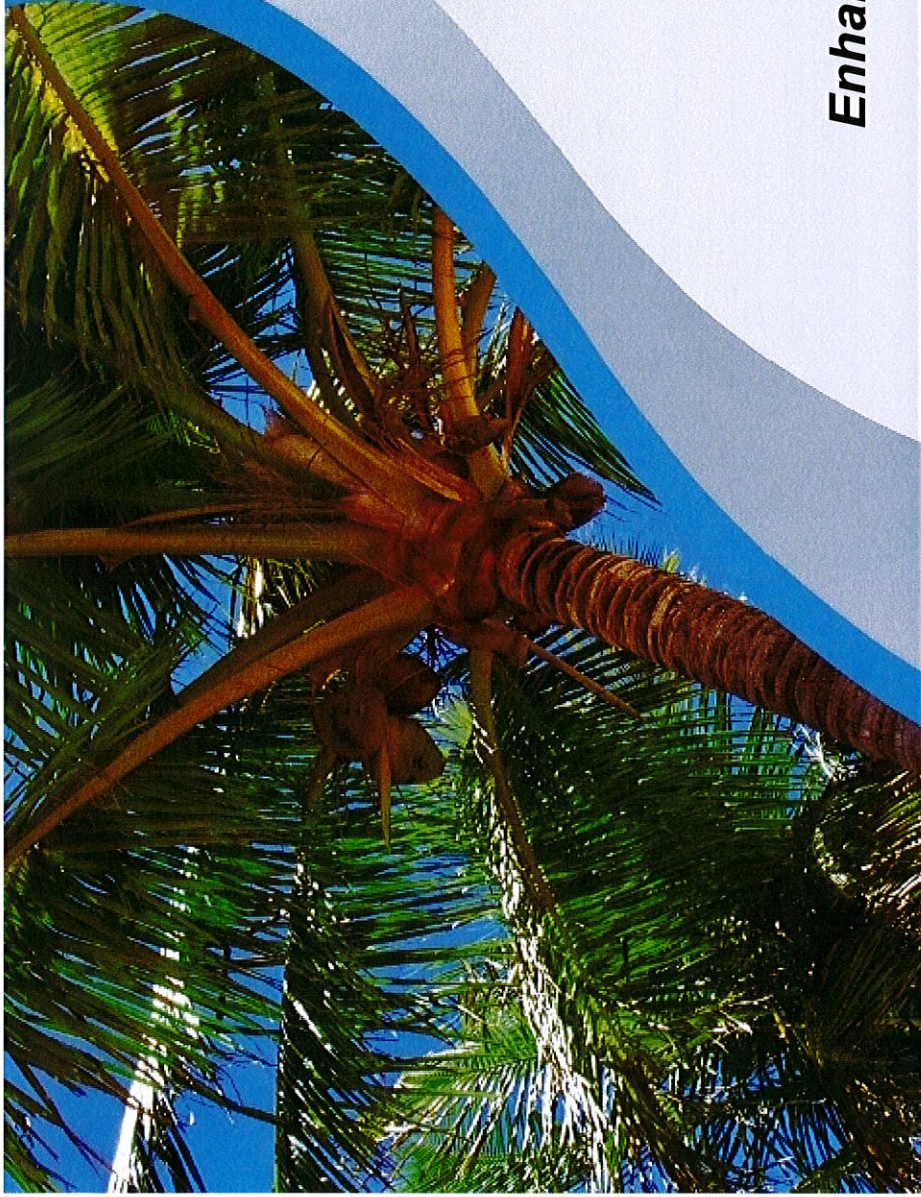
Town Clerk, Vivian Mendez, CMC



Approved on this 2 of October, 2013



Exhibit "A"



*Enhancing Public Trust in Government*

# WHO ARE WE?

**Sheryl G. Steckler, Inspector General**





# **INSPECTOR GENERAL ORDINANCE**



## **ARTICLE XII, SECTION 2-421..2-430, PALM BEACH COUNTY CODE**

Pertains to all elected and appointed county and municipal officials and employees, county and municipal agencies and instrumentalities, contractors, their subcontractors and lower tier subcontractors, and other parties doing business with the county or a municipality and/or receiving county or municipal funds.



# **INSPECTOR GENERAL RESPONSIBILITIES**



- Provide independent oversight;
- Promote accountability, efficiency, integrity, and transparency in government;
- Conduct audits, investigations and contract oversight reviews;
- Receive full and unrestricted access to the records;
- Prevent and detect fraud, waste, abuse, inefficiencies and mismanagement.





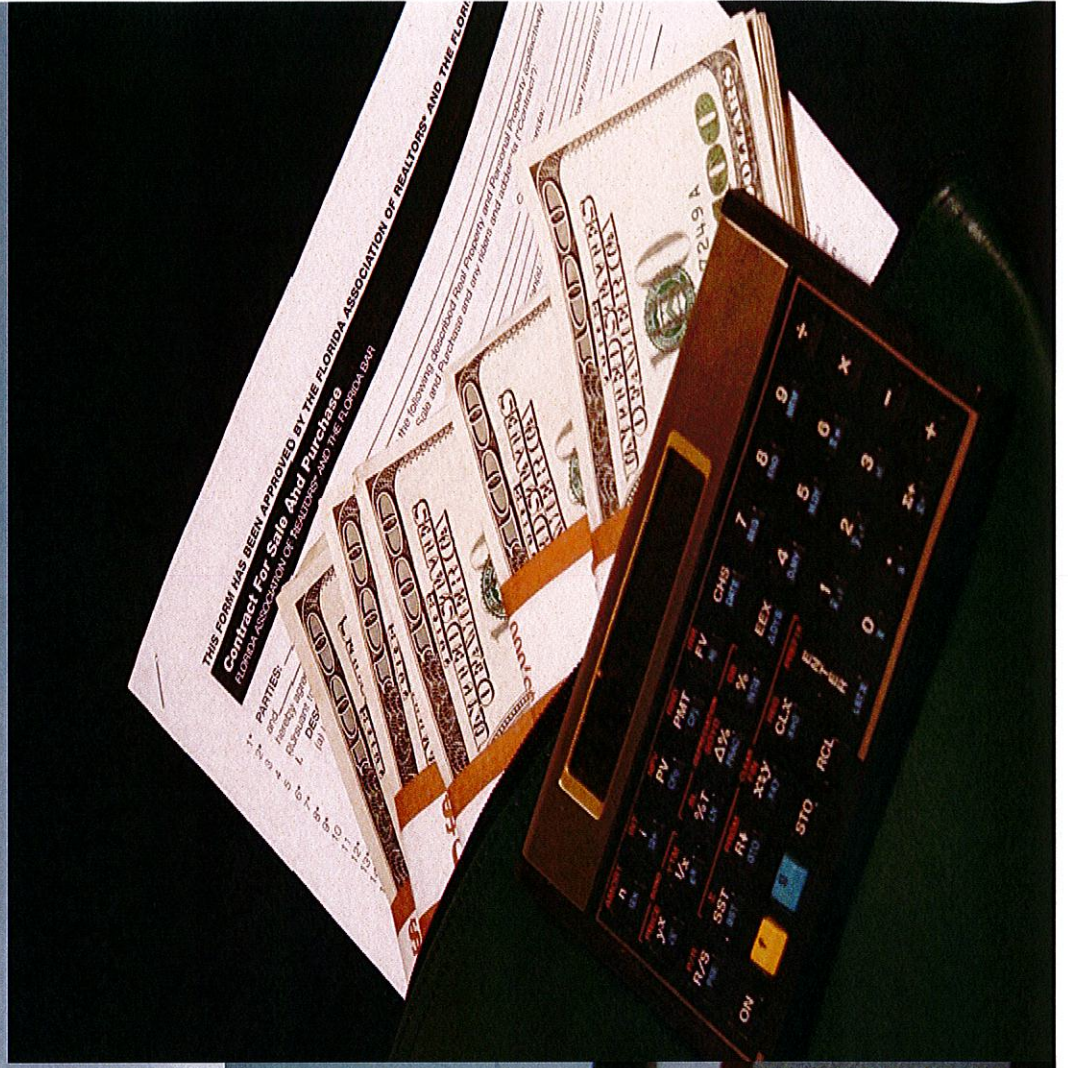
# TRANSPARENCY







# CONTRACT OVERSIGHT





# CONTRACT OVERSIGHT



**PREVENTION:** To reduce the appearance of and opportunity for vendor favoritism and enhance public confidence that contracts are being awarded equitably and economically. Contract Oversight staff routinely attend selection committee meetings and perform contract oversight activities.

- *Types: Selection Committee Meetings, Contract Review Committee Meetings, and Entity/Municipal Contract Meetings*



# CONTRACT OVERSIGHT COMMUNICATIONS



## ➤ **Contract Oversight Observation**

Identifying an activity/procedure that does not comply with established policy and procedures.

## ➤ **Contract Oversight Notification**

Material weakness in a procurement process; the entity is vulnerable to increased costs.

## ➤ **Contract Oversight Review**

In-depth review of procurement process/activity/area that identifies risk(s) and irregularities.



# CONTRACT OVERSIGHT FINDINGS - PIGGYBACK



## **Findings:**

- Neither the Village's Code of Ordinances nor sound procurement practices support the use of piggyback contracts for construction projects.
- *Over 33 months the Village awarded approximately \$7.1 million in piggyback contracts to a single vendor.*
- *The Village entered into a piggyback contract however, the original competitively procured contract had expired.*

## **Corrective Actions:**

- The Village is in the process of more clearly defining its piggyback contracting practices within their procurement code.
- The Village has enacted measures whereas sewer and water projects are being competitively bid. 2 bids since issuance of OIG report.



# CONTRACT OVERSIGHT FINDINGS



## *Lack of Transparency Resulted in the Public and Interested Parties Being Misinformed*

- Waste Management Inc. five year contract extension up for renewal. (Contract in place since 2006).
- Council added item to agenda one month earlier (April 2012 in lieu of May) than scheduled.
- Public and interested parties deprived of right to be present and heard on controversial matter.



# CONTRACT NOTIFICATION

## SOLID WASTE FRANCHISE

### **Findings:**

- City had not competitively bid the solid waste franchise agreement since 2001.
- City had renewed the franchise agreement three times (2003, 2006, 2008).

### **Corrective Actions:**

- City should follow own procurement policies and procedures by conducting full and open competition.
- City should periodically review and update its procurement policies and procedures.

**Costs to be Determined**

- February 27, 2012, City stated they did not agree with the OIG's position that they failed to follow established procedures set forth in their procurement policy that required the City to competitively bid their Solid Waste Franchise Agreement.
- June 13, 2013, Outside Legal Counsel was hired (at request of majority of City Council) to provide a legal opinion on former Council's decision. Legal opinion concurred with OIG in that the City's Purchasing Ordinance required the Solid Waste contract to be competitively procured and that the contract renewal violated the City's Purchasing Ordinance.
- June 18, 2013, City Council voted to file for a declaratory judgment and ask the court to determine if the Solid Waste contract is valid.



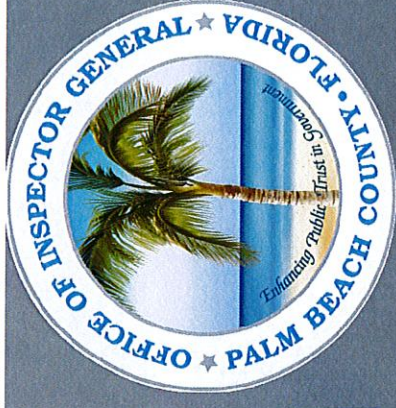


# AUDIT





# **AUDIT – RISK BASED & ENTERPRISE APPROACH**



- Budget
- Prior Investigative Findings
- Management Concerns
- Significance To Overall Mission
- Operations Known To Be Susceptible To Fraud
- Repeat Findings

IG audits will also focus on an enterprise approach to efficiencies in government.



# AUDIT FINDINGS

## OPENSky



- Better Planning and Project Management of Open Sky Could Have Improved System.
- Contracting Practices Used in OpenSky Did Not Adequately Protect Expenditure of Public.
- OpenSky is Performing to Contract Specifications in Five Municipalities.
- Our Survey of Officers Using OpenSky Had Mixed Results.
- Questions Remain Unresolved on OpenSky Operability in West Palm Beach.

**Questioned Costs**

**\$ 253,863**



# AUDIT FINDINGS

## POOR FINANCIAL CONTROLS



### Cash Disbursements

- Internal controls were seriously deficient, leaving cash and other assets highly vulnerable to fraud.
- Questionable transactions referred to State Attorney's Office.
- Lack of sufficient oversight and scrutiny by Commission contributed to condition.
- City Manager had too much authority and control without an adequate system of checks and balances.

#### Questioned Costs

**\$306,377**

#### Cost Avoidance

**\$862,473**



# AUDIT FINDINGS

## SOLID WASTE AUTHORITY



- SWA lost \$111,811 in tipping fee revenue as a result of contractor delivering materials to Broward County.
- Commercial customers were charged more than the approved SWA disposal rate (\$4,310.85) and more than the approved hauling rate (\$5,048.44).
- Additional procedures are needed to monitor haulers.

### Identified Costs

**\$ 121,170**

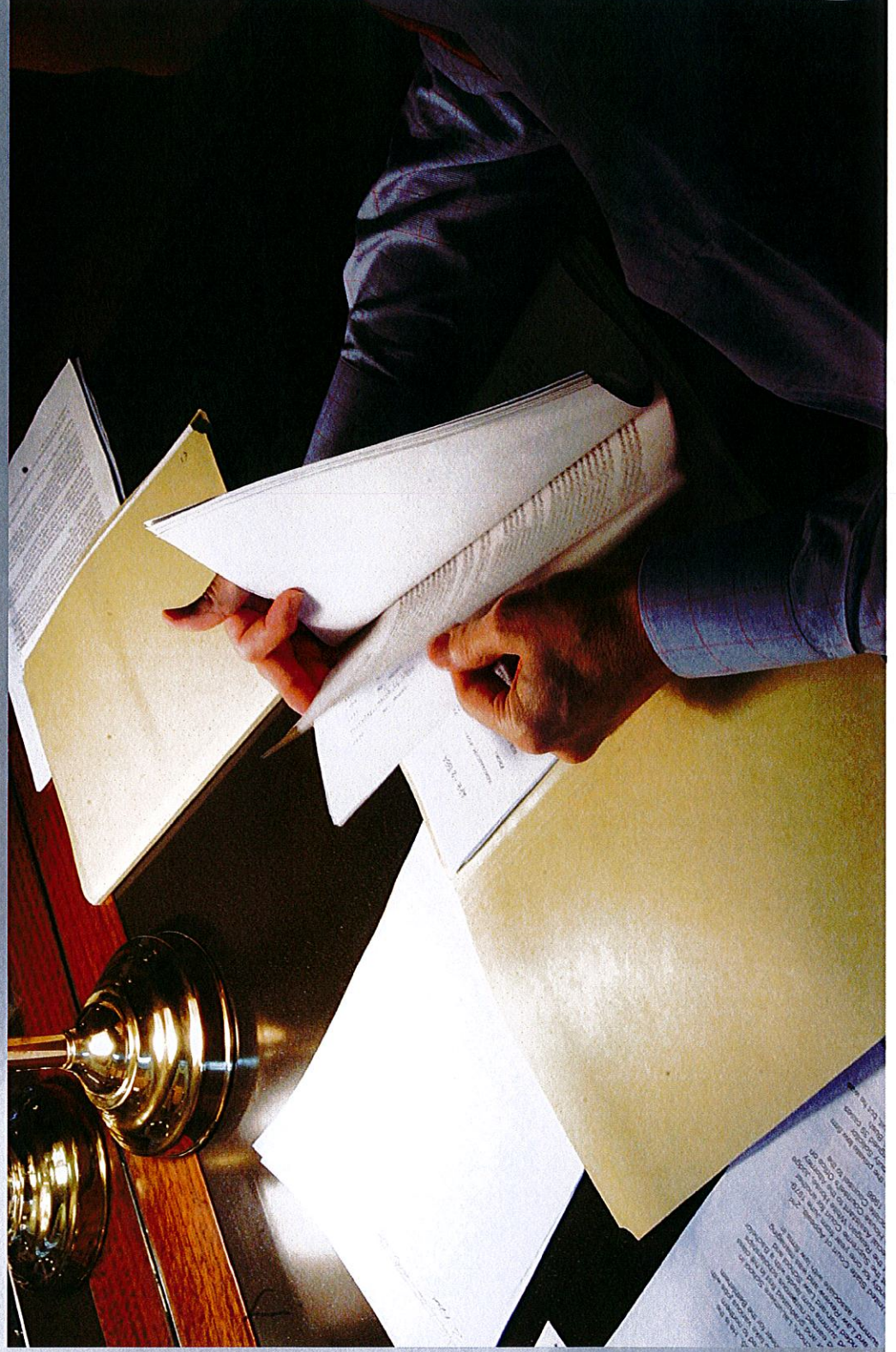
### Cost Avoided

**\$305,098**





# INVESTIGATIONS





# **WRITTEN CORRESPONDENCES**



- **OIG Handle**
- **Management Referral**
- **Management Inquiry**
- **Management Review**
- **Investigation**



# MANAGEMENT REVIEW FINDINGS

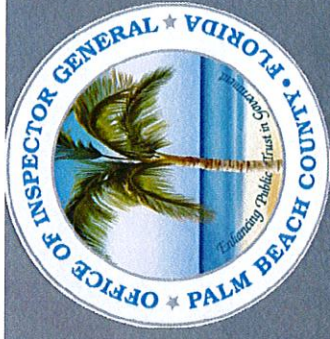


- A City failed to properly bill their local Hospital for water services due to not correctly installing the water meter; resulting in loss revenue to the City (Identified Costs: **\$60,022**).
- The City re-hired their former Engineer who had retired as a consultant without a competitive procurement process. In just over 3 years, they paid the “Consulting Engineer” (Questioned Costs: **\$576,200**).

<b>Identified &amp; Questioned Costs</b> <b>\$636,200</b>
--------------------------------------------------------------



# MANAGEMENT REVIEW FINDINGS



- The City lease with a local Restaurant/Bar resulting in potential lost revenue to the City (Questioned Costs: **\$653,900**).
- The City did not enforce rent and utility provisions (Identified and/or Questioned Costs: **\$230,929**).
- The City did not enforce the escalator provisions in 2 of the 3 leases (Identified Costs: **\$6,887** – City recovered **\$6,734**).
- The City did not enforce boat slip provisions (Questioned Cost = **\$16,641**).

Identified, Questioned and  
Avoidable Costs

**\$ 1,087,626.80**



# INVESTIGATIVE FINDINGS



- City Commission failed to follow criteria set forth in an RFQ for engineering services.
- City Commission awarded contracts to the top 5 firms selected according to the RFQ's criteria and to the 15<sup>th</sup> ranked firm because of its purported technology.

## **RECOMMENDED CORRECTIVE**

### **ACTION:**

Commission should adhere to criteria set forth in an RFQ. In the event that they disagree with criteria or rankings, the Commission should request staff to re-issue the RFQ prior to an award.

### **CITY RESPONSE:**

City Manager indicated that it was the City Commission's own "prerogative" to add the 15<sup>th</sup> ranked firm to their selection.



# **POTENTIAL CRIMINAL VIOLATIONS REFERRALS**



IN COORDINATION WITH THE STATE  
ATTORNEY'S PUBLIC INTEGRITY UNIT  
AND PARTNERSHIPS WITH VARIOUS  
FEDERAL, STATE AGENCIES AND  
LOCAL LAW ENFORCEMENT.....



# EMPLOYEE THEFT



## Questioned / Identified

**\$ 18,934**



➤ Employee was arrested and charged with Grand Theft, Dealing Stolen Property, Official Misconduct, and Organized Scheme to Defraud.

➤ Employee Convicted: Petit Theft/Adjudicated Guilty. Dealing in Stolen Property: Adjudication Withheld - Felony Probation. Restitution \$519.05 and 3 Years felony probation.

## OIG Audit Findings:

➤ Improper Segregation of Duties; Un-inventoried surplus computer equipment; Incomplete surveillance camera coverage & building access security controls weakness; Employee timecards and payroll timesheets were not certified as true and correct; Pattern of using vacation leave with overtime inflated overtime costs.

## Value of Pension Forfeiture

**\$ 243,532.80**





# WHAT THE OIG DOES NOT DO

- Fire or discipline employees
- Conduct Criminal Investigations
- Arrest people
- Make policy





# ***WHAT THE OIG DOES DO***

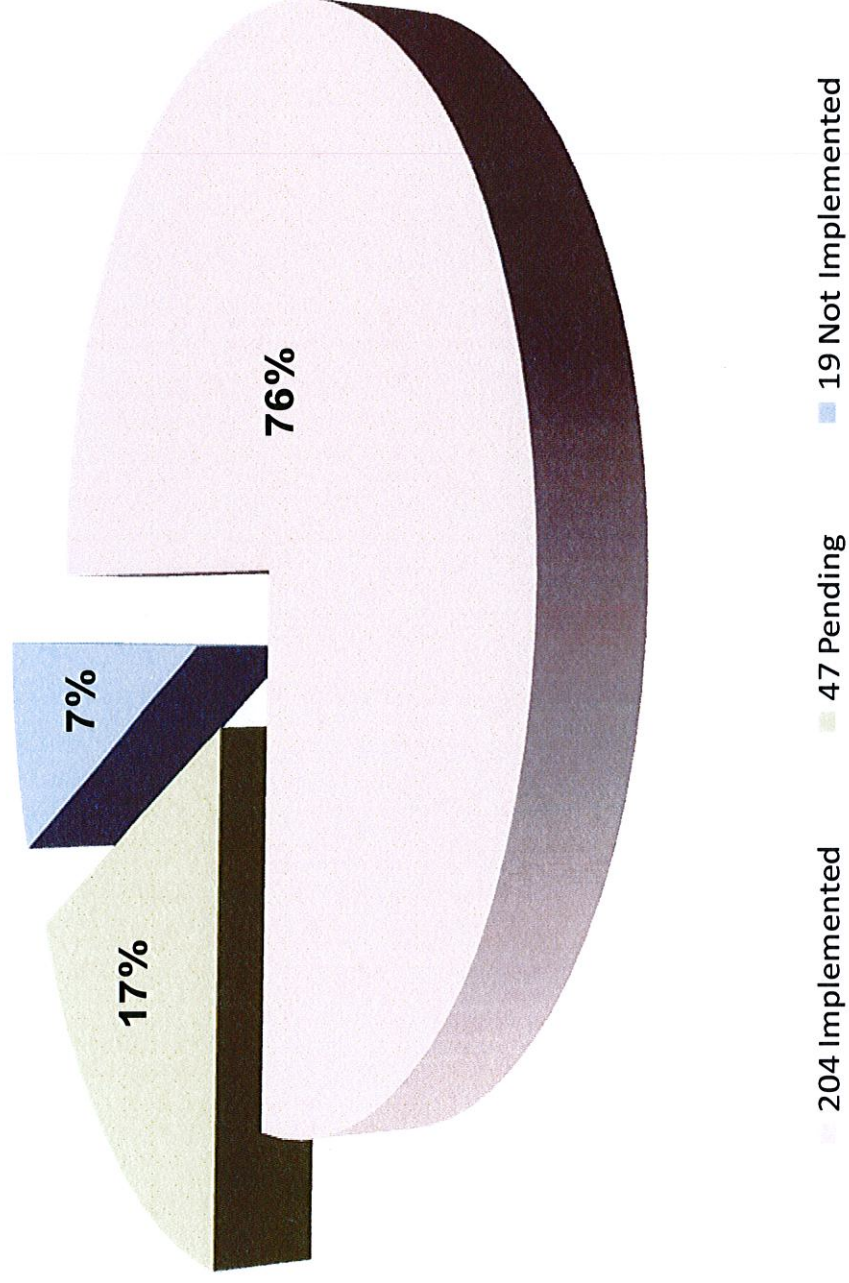
- **Fact Finders**
- **Issue Recommendations to Enhance Policies, Procedures, Rules and Internal Controls**
- **Make Recommendations to Take Appropriate Corrective Action(s)**
- **Provide Transparency to the Public**



# CORRECTIVE ACTIONS: THRU 6/30/13



## OIG RECOMMENDATIONS/CORRECTIVE ACTIONS (270)







# RETURN ON INVESTMENT

## Questioned Cost

A finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable and/or lacks adequate documentation.

## Identified Cost

Those dollars that have the potential of being returned to offset the taxpayer's burden.

## Avoidable Costs

Dollar value that will not be spent over three years if OIG's recommendations are implemented.

**Questioned and/or Identified Costs = \$10.6 Million (Since Inception)**

**Avoidable Costs = \$ 5.7 Million**

(Since October 1, 2012)

**OFFICE OF INSPECTOR GENERAL • PALM BEACH COUNTY**  
SHERRY G. STECKLER  
INSPECTOR GENERAL

ENHANCING PUBLIC TRUST IN GOVERNMENT

Home | Report Waste, Fraud or Abuse | About OIG | Be Informed | Get Involved

IG Hotline: 877-283-7068

What's New  
For a list of all reports completed this fiscal year, click here.

08-24-13 IG Committee Workshop  
10 am - Gov. Cit-6th floor, BCC  
Chambers, 301 N. Olive Ave., WFLA  
08-22-13 Village of Palm Springs -  
Utility Department Survey & Water  
Feedback Comments - Contract  
Oversight Notification  
08-26-13 IG Committee Workshop  
1 pm - Gov. Cit-6th floor, BCC  
Chambers, 301 N. Olive Ave., WFLA  
08-01-13 Children's Services  
Council Review Tool & Process  
Meeting - Contract Oversight  
08-15-13 IG Committee Meeting &  
Chambers, 301 N. Olive Ave., WFLA  
08-22-13 Solid Waste Authority -  
Labor Hour Review - Contract  
Oversight Notification  
08-11-13 City of Delray Beach -  
Beach Cleaning Contract Oversight  
Notification  
08-05-13 City of Delray Beach Fire  
Insurance Union - Time - Pool  
Investigation

Get Involved  
YOU have the power to make a  
difference.  
Citizens Initiative  
If you would like to submit a  
comment to the Inspector General,  
please email to

**New!**  
Corrective Actions &  
Recommendations

**New!**  
Common Issues Found

**New!**  
Good Guidance

**OIG Dashboard**  
6/24/2010 - 6/30/2013

**Total Correspondences**  
944  
Details

**Questioned and/or  
Identified Costs**  
**\$10,652,513**  
Details

**Avoidable Costs**  
**\$5,750,171**  
Details

This Dashboard is a quarterly  
snapshot of some OIG completed and  
correspondences received with details  
by entity and questioned, identified  
and avoidable costs.

Updated 08/06/2013

**Report Waste, Fraud or Abuse**  
The OIG needs your help. To report  
allegations or see illustrations of  
mismanagement, fraud, misconduct,  
click the link below.  
Report Waste, Fraud or Abuse  
Request Whistle-Blower Status

**About this Site**  
This site provides you access to  
information issued by the OIG,  
OIG, and answers to frequently  
asked questions. We also include  
information about what to expect  
when contacted by OIG staff,  
links to other useful websites, and  
how to report waste, fraud or abuse.

Click the top tabs (Home, Report  
Waste, Fraud or Abuse, About OIG,  
Be Informed, Get Involved and  
Contact Us) for additional content  
information.

**Training**  
Our office provides training  
designed to educate elected and  
appointed officials, county and  
municipal department employees,  
contractors, sub-contractors and  
other parties doing business with  
the county and municipalities with  
receiving county or municipal funds  
on the role of the OIG, "red flags"  
to watch out for, as well as increase  
awareness of potential violations.

Did you know? - Employee Training  
Videos (This video may take about





www.pbcgov.com/OIG

OIG WEBSITE

Home | Report Waste, Fraud or Abuse | About the IG | Be Informed | Get Involved | Contact Us

Translate this page  
Spanish  
Microsoft® Translator

**Report Waste, Fraud or Abuse**  
The **OIG** needs your help. To report allegations or see illustrations of suspected waste, fraud, misconduct, mismanagement or other abuses, click the link below:  
[Report Waste, Fraud or Abuse](#)  
[Request Whistle-blower Status](#)

#### About this Site

This site provides you access to every report issued by the **OIG**, information about the role of the **OIG**, and answers to frequently asked questions. We also include information about what to expect when contacted by **OIG** staff, standards that the **OIG** follows, links to other useful websites, and how to report waste, fraud or abuse.

Click the top tabs (Home, Report Waste, Fraud or Abuse, About **OIG**, Be Informed, Get Involved and Contact Us) for additional content information.

#### Training

Our office provides training designed to educate elected and appointed officials, county and municipal department employees, contractors, sub-contractors and other parties doing business with the county and municipalities and/or receiving county or municipal funds on the role of the **OIG**, "red flags" to watch out for, as well as increase awareness of potential violations.

[View Training Page](#)

#### Speaker Request

Are you looking for a guest speaker? The Inspector General and staff are available for speaking engagements with public or civic groups and organizations. If you would like to request a presentation you may submit a request for speaker application, or contact the office at 561-233-2350.

Be Informed	Get Involved	Contact Us
<a href="#">Reports This Fiscal Year</a> <a href="#">Archive Reports</a> <a href="#">Dashboard</a> <a href="#">Common Issues Found</a> <a href="#">Corrective Actions</a> <a href="#">Good Guidance</a> <a href="#">Outreach</a> <a href="#">Lawsuit</a> <a href="#">OIG in the News</a> <a href="#">Grand Jury</a> <a href="#">Career Opportunities</a> <a href="#">Meetings</a> <a href="#">Links</a>	<a href="#">What's New</a> or a list of all reports completed this fiscal year (click here).	<a href="#">What's New</a> or a list of all reports completed this fiscal year (click here).

**New!**  
[Good Guidance](#)

## OIG Dashboard

6/28/2010 - 6/30/2013

### Total Correspondences

**944**

[Details](#)

### Questioned and/or Identified Costs

**\$10,652,513**

[Details](#)

### Avoidable Costs

**\$5,750,171**

[Details](#)

This Dashboard is a quarterly snapshot of some **OIG** workload and results indicators. Included are total correspondences received with details by entity and questioned, identified and avoidable costs.

Updated 08/06/2013

**What's New**  
or a list of all reports completed this fiscal year (click here).

**What's New**  
or a list of all reports completed this fiscal year (click here).

09-10-13 Solid Waste Authority - Contract #03240 with The Tower Group Investigations Closing Memorandum

Quarterly Publication: A Local Report on Accountability & Transparency - Fall Edition 2013

Intern Profile - Ian Calkins - September 2013

09-23-13 IG Committee Workshop 10 am - Gov Ctr-6th floor BCC Chambers. 301 N. Olive Ave., WPB

08-22-13 Village of Palm Springs - Utility Department Sewer & Water Piggyback Contracts - Contract Oversight Notification

08-26-13 IG Committee Workshop 1 pm - Gov Ctr-6th floor BCC Chambers. 301 N. Olive Ave., WPB

08-01-13 Children's Services Council Rating Tool & Process Meeting - Contract Oversight Observation

08-15-13 IG Committee Meeting 9 am - Gov Ctr-6th floor BCC Chambers. 301 N. Olive Ave., WPB

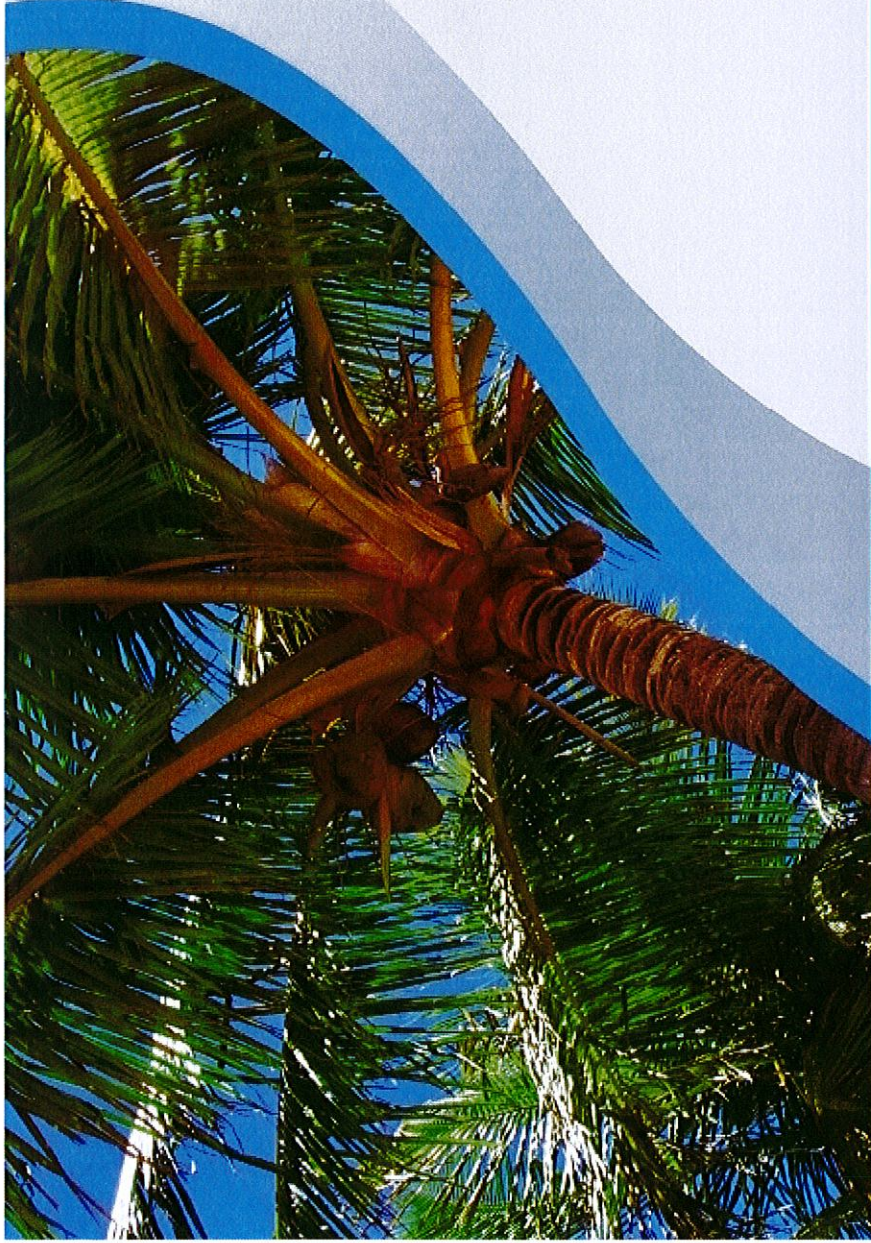
06-27-13 Solid Waste Authority - Labor Hour Review - Contract Oversight Notification

06-11-13 City of Delray Beach - Beach Cleaning Contract Oversight Notification

06-05-13 City of Delray Beach Fire Rescue Union Time Pool Investigation

**Get Involved**  
YOU have the power to make a difference.  
Citizens Initiative





**THANK YOU!**

***Visit us online at: [www.pbcgov.com/OIG](http://www.pbcgov.com/OIG)***

**Sheryl G. Steckler, Inspector General**





Exhibit "B"



## Town of Lake Park Town Commission

### Agenda Request Form

Meeting Date: September 18, 2013

Agenda Item No. Tab 4

**Agenda Title:** APPROVAL OF A STAFF INITIATED TEXT AMENDMENT TO MODIFY CHAPTER 22, ARTICLE III, OF THE TOWN CODE OF ORDINANCES ENTITLED "MOBILE VENDORS" PROVIDING FOR AMENDMENTS PERTAINING TO FOOD AND MERCHANDISE SALES AND SERVICES BY MOBILE VENDORS IN THE TOWN

- |                                     |                                                     |                          |                |
|-------------------------------------|-----------------------------------------------------|--------------------------|----------------|
| <input type="checkbox"/>            | SPECIAL PRESENTATION/REPORTS                        | <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/>            | BOARD APPOINTMENT                                   | <input type="checkbox"/> | OLD BUSINESS   |
| <input checked="" type="checkbox"/> | PUBLIC HEARING ORDINANCE ON 1 <sup>st</sup> READING |                          |                |
| <input type="checkbox"/>            | NEW BUSINESS                                        |                          |                |
| <input type="checkbox"/>            | OTHER: _____                                        |                          |                |

Approved by Town Manager  Date: 9/10/13

Nadia Di Tommaso / Community Development Director   
Name/Title

<b>Originating Department:</b>  Community Development	Costs: \$ 0 Funding Source: Acct. # [ ] Finance _____	<b>Attachments:</b>  → Ordinance 14-2013
<b>Advertised:</b> Date: <u>N/A on first reading</u> Paper: _____ [ ] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> or Not applicable in this case _____ <b>Please initial one.</b>

### Summary Explanation/Background:

The original Mobile Vendor Ordinance was adopted in June 2010 under the *solicitation* Chapter 22 of the Town of Lake Park Code of Ordinances.

Over the past few months, staff has had several discussions internally about the current Mobile Vendor registration requirement. There is some confusion with the language as it is currently written and as it relates to individuals who simply come into Town to provide a service from a point of sale outside of the Town. Examples are: a housekeeper who comes in to clean a house; or a handyman who repairs a sliding glass door and does not need a permit to do so; or a landscaper who cuts



grass on a bi-weekly basis. If these individuals/companies are not selling their service from their motor vehicle, and are naturally registered elsewhere, whether it be through a Home Office Business Tax Registration or a Commercial Business Tax Registration, then staff's interpretation of the Ordinance is that they would not need a Mobile Vendor Registration. *Services* are performed at households every single day and it is unreasonable and impossible to assume that each and every *service* being performed would require a Mobile Vendor registration; however, in order to adequately capture this interpretation, the Ordinance needs to be modified slightly as proposed in the attached Ordinance to provide a clear enforcement mechanism for Mobile Vendors traveling the streets of the Town with the intent to "solicit", in other words "sell" from their motor vehicles. The existing language also serves to protect existing businesses in Town by placing distance separation requirements on Mobile Vendors selling food, merchandise or services similar to those sold by established businesses in Town who have a physical commercial location.

This being said, there are certain motor vehicles that do sell services from their motor vehicles, such as the Mobile Car Wash; Mobile Pet Grooming; and Mobile Marina Repair (for example) that may travel our streets in an attempt to sell their services. These vehicles would fall under our Mobile Vendor classification and would need to register. The landscaper, who cuts the lawn every week and either has a Home Office Business Tax Registration, or a Commercial Business Tax Registration, would not need to register as a Mobile Vendor for the *service* being provided in the Town of Lake Park from another point of sale.

**Staff is proposing minor changes to the Code pursuant to the attached Ordinance to simply clear up this confusion. While the proposed changes do not affect how the Ordinance is currently being enforced and will not require any additional restrictions or requirements, the Ordinance will serve to provide some clarity as it relates to vehicles selling services (*requires a registration*) versus providing services that were initiated from a point of sale other than the motor vehicle (*does not require a registration*).**

**Recommended Motion: I move to APPROVE Ordinance 14-2013 on first reading.**





## Town of Lake Park Town Commission

### Agenda Request Form

Meeting Date: September 18, 2013

Agenda Item No.

Tab 5

**Agenda Title: Resolution No. 31 -09-13 Approving an Annual Marina Parking Permit Pilot Program**

- ☐ SPECIAL PRESENTATION/REPORTS ☐ CONSENT AGENDA  
☐ BOARD APPOINTMENT ☐ OLD BUSINESS  
☐ PUBLIC HEARING ORDINANCE ON \_\_\_\_ READING  
☒ **NEW BUSINESS**  
☐ OTHER: \_\_\_\_\_

Approved by Town Manager

*DSS*

Date:

9/14/13

Dale S. Sugerman, Ph.D./Town Manager

Name/Title

<b>Originating Department:</b>  <b>Commissioner Rapoza</b>	Costs: N/A Funding Source: <input type="checkbox"/> Finance _____	<b>Attachments:</b>  Revised Fee Schedule
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>DSS</u> <b>Please initial one.</b>

### Summary Explanation/Background:

At the August 13, 2013 Commission budget workshop meeting, the Town Commission reached a consensus to direct staff to bring forward for Commission consideration an annual marina parking permit pilot program. The attached resolution adds to the current fee schedule an annual marina parking permit fee of \$100.00 (item #46 on the attached schedule). Even though the instructions from the Commission were for a pilot program, this fee will remain in place indefinitely until the fee schedule is subsequently amended.

**Recommended Motion:** I move the adoption of Resolution no. \_\_\_\_ -09-13.



(44)	Resident Only Decal Fee (valid in all metered areas except Lake Shore Park Lots and Marina Lots)	\$45
(45)	Resident and Non-Resident Decal Fee (valid in all metered areas)	\$100
(46)	<b>Annual Marina Parking Permit</b>	<b>\$100</b>

Recovery of additional costs. In addition to the afore-stated fees, the Town may, in addition to the applicable application fee, recover the costs referenced below, including, but not limited to, the following:

- 1) Consultant fees incurred by the Town, whenever the Town deems it necessary to retain an outside consultant to assist Town staff in the review and processing of applications for development orders, such as the review and analysis of property appraisals, traffic impact analysis, vegetation and environmental assessments, archeological or historic assessments, market studies, engineering studies or reports, telecommunications facility siting, and any other documents, studies, data, reports and other materials.
- 2) Attorney's fees incurred by the Town Attorney or other legal counsel retained by the Town in connection with the review and processing of an application for a development order, and the preparation and/or review of legal documents.
- 3) Costs incurred by the Town in connection with advertising, publication, and mailing of legal notices for public hearings, workshops, or other public meetings; recording fees for the cost of recording instruments in the public records of Palm Beach County.
- 4) In the event that at the time an application is received by the Town, additional costs are reasonably anticipated by the Town to be incurred by the Town, the Town may require the applicant as a condition precedent to processing the application, to deposit an amount estimated by the Town's Community Development Director, to be a sufficient cost deposit. Any monies provided to the Town as a cost deposit, shall be placed into an escrow account created by the Town. After the Town Commission takes final action on the application, the Town shall refund any unused cost deposit funds to the applicant.
- 5) The minimum cost deposit shall be \$800.00 or a greater amount if deemed necessary by the Town's Community Development Director to cover all anticipated expenses, whichever is greater.





Exhibit "E"

## Town of Lake Park Town Commission

### Agenda Request Form

Meeting Date: September 18, 2013

Agenda Item No.

Tab 6

**Agenda Title:** Award of Contract for Lake Park Tennis Center Tennis Court Resurfacing, RFP No. 104-13 to Fast-Dry Courts, Incorporated.

- |                                                                   |                                         |
|-------------------------------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> SPECIAL PRESENTATION/REPORTS             | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> BOARD APPOINTMENT                        | <input type="checkbox"/> OLD BUSINESS   |
| <input type="checkbox"/> PUBLIC HEARING ORDINANCE ON ____ READING |                                         |
| <input checked="" type="checkbox"/> <b>NEW BUSINESS</b>           |                                         |
| <input type="checkbox"/> OTHER: _____                             |                                         |

Approved by Town Manager

*[Signature]*

Date:

9/6/13

**Richard Pittman/Project Manager**

Name/Title

<b>Originating Department:</b> Public Works	<b>Costs:</b> Up to \$46,470.00 <b>Funding Source:</b> Gen. Fund <b>Acct. No.</b> 600-63000 <b>Contract Award:</b> \$42,245.00 <b>Contingency:</b> \$ 4,225.00 <input checked="" type="checkbox"/> Finance <i>BK</i>	<b>Attachments:</b> Bid Tabulation Bid Document Bids Received Purchase Order
<b>Advertised:</b> <b>Date:</b> August 11, 2013 <b>Paper:</b> Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	<b>Yes I have notified everyone</b> <i>RP</i> or Not applicable in this case ____ <b>Please initial one.</b>

### Summary Explanation/Background:

The Town has received a Community Development Block Grant in the amount of \$37,294.00 for the resurfacing of six tennis courts and replacement of net posts and nets at the courts located in Lake Shore and Kelsey Parks. The Town staff prepared the bid documents and advertised the tennis court resurfacing project in the Palm Beach Post on August 11, 2013. A mandatory pre-bid meeting was held on August 22, 2013 with three potential bidders attending. Bids were opened on September 3, 2013 with two bids having been received.

The firm of Fast-Dry Courts, Inc. submitted the lowest responsible and responsive bid in the amount of \$41,255.00 (see attached bid tabulation).



The bid documents required bidders to price the nine items which constitute the base bid and to price three alternates. The alternates with the low bidder's prices are as follow:

Alternate I: Resurface 70' x 19' walkway between courts 2 & 3.....	\$ 700.00
Alternate II: Raise the fence fabric between courts 5 & 6.....	\$290.00
Alternate III: Install steel net posts in existing openings in place of bid item No. 5 (deduct)	\$1,895.00

Town staff recommends that the awarded contract include Alternates 1 and 2, which will add \$990.00 to the base bid.

Fast-Dry Courts Inc. is certified to apply the manufacturer's resurfacing system that meets the bid requirements. Fast-Dry Courts has been in business for more than 20 years. Fast-Dry Courts will be able to commence work in mid-October which is a requirement of the grant and the bid documents.

Staff recommends that Fast-Dry Courts, Inc. be awarded a contract for Town Bid No. 104-2013 for the low base bid plus Alternates Nos. 1 and 2. The contract award amount will be \$42,245.00.

A contingency amount of \$4,225.00 (10 percent of the awarded contract price) is recommended. Fast-Dry Courts is recommending a product and procedure to repair wide cracks that is different from the contract specifications. As resurfacing approaches the final two courts, staff recommends using the remaining contingency for this specialized crack-fill treatment. The authorization of the use of the contingency funds would be approved by the Town Manager and a change order issued to the contractor.

**SUMMARY:**

Base Bid Amount:	\$ 41,255.00
Alternate I Resurface Walkway:	700.00
Alternate II Raise Fence Fabric courts 5 & 6:	<u>290.00</u>
TOTAL RECOMMENDED CONTRACT AWARD	\$ 42,245.00
10 Percent Contingency:	<u>\$ 4,225.00</u>
TOTAL CONTRACT AWARD PLUS CONTINGENCY	\$ 46,470.00
Less CDBG Grant Amount:	<u>( \$ 37,294.00)</u>
TOTAL MAX. COST TO TOWN:	\$ 9,176.00

The Town Commission is being asked to commit up to \$9,176.00 of Town funds (acct. no. 600-63000) such that a contract in the amount of \$42,245.00 can be awarded.

**Recommended Motion:** I move to approve contracting with Fast-Dry Courts, Inc. in the amount of \$42,245.00 to perform the requirements of Bid No. 104-2013 and establish a contingency of \$4,225.00.





# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, September 18, 2013, 6:30 p.m.  
Lake Park Town Hall  
535 Park Avenue

James DuBois	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
Michael O'Rourke	—	Commissioner
Kathleen Rapoza	—	Commissioner
.....		
Dale S. Sugerman, Ph.D.	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, CMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS

1. Presentation by Palm Beach County Inspector General Sheryl G. Steckler Tab 1

D. PUBLIC COMMENT:

This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

E. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

2. Approving an Outside Activity of the Town Manager

Tab 2



**3. Scheduling the Special Call Final Public Hearing on the Fiscal Year 2013-2014  
Budget for Wednesday, September 25, 2013**

**Tab 3**

**F. OLD BUSINESS:  
None**

**G. PUBLIC HEARINGS - ORDINANCES ON FIRST READING:**

- 4. Ordinance No. 14-2013 Approval of a Staff Initiated Text Amendment to Modify Chapter 22, Article III, of the Town Code of Ordinances Entitled "Mobile Vendors" Providing for Amendments Pertaining to Food and Merchandise Sales and Service by Mobile Vendors in the Town**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 22, ARTICLE III, OF THE TOWN CODE ENTITLED "MOBILE VENDORS"; PROVIDING FOR AMENDMENTS PERTAINING TO FOOD AND MERCHANDISE SALES AND SERVICES BY MOBILE VENDORS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Tab 4**

**H. NEW BUSINESS:**

- 5. Resolution No. 31-09-13 Approving an Annual Marina Parking Permit Pilot Program**
- 6. Award of Contract for Lake Park Tennis Center Tennis Court Resurfacing, RFP No. 104-13 to Fast-Dry Courts, Inc**

**Tab 5**

**Tab 6**

**I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**J. ADJOURNMENT**

**Next Scheduled Meeting Special Call Final Public Hearing on the Budget will be held on  
Wednesday, September 25, 2013**